

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Terrence Jerome Hardy, #261984,)	C/A No. 0:09-02580-JFA-PJG
)	
Plaintiff,)	
)	ORDER
vs.)	
)	
Leroy Cartledge; Scott Lewis,)	
)	
Defendants.)	
_____)	

The plaintiff has filed this action, *pro se*, seeking relief pursuant to 42 U.S.C. § 1983. Plaintiff, an inmate with the South Carolina Department of Corrections, alleges violations of his constitutional rights by the named defendants. The defendants filed a motion for summary judgment on February 22, 2010, pursuant to Rule 56 of the Federal Rules of Civil Procedure. (Docket Entry 22.) As the plaintiff is proceeding *pro se*, the court entered an order pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975) on February 23, 2010, advising the plaintiff of the importance of a motion for summary judgment and of the need for him to file an adequate response. (Docket Entry 23.) The plaintiff was specifically advised that if he failed to respond adequately, the defendants' motion may be granted, thereby ending his case.

On March 23, 2010, the court granted plaintiff's motion to amend his Complaint, which was filed December 17, 2009. Additionally, the court's order allowed the defendants additional time in which to amend their motion for summary judgment if they so desired. (Docket Entry 25.)

The defendants filed an amended motion for summary judgment on April 29, 2010. (Docket Entry 31.) The court entered a Roseboro order on April 30, 2010, again advising the plaintiff of the importance of a motion for summary judgment and of the need for him to file an adequate response

and reminding the plaintiff that if he failed to respond adequately, the defendants' motion may be granted, thereby ending his case.

Notwithstanding the specific warning and instructions set forth in the court's Roseboro orders, the plaintiff has failed to respond to the motion. As such, it appears to the court that he does not oppose the motion and wishes to abandon this action.

Based on the foregoing, it is

ORDERED that the plaintiff shall advise the court as to whether he wishes to continue with this case and to file a response to the defendants' amended motion for summary judgment within fourteen (14) days from the date of this order. Plaintiff is further advised that if he fails to respond, **this action will be recommended for dismissal with prejudice for failure to prosecute.** See Davis v. Williams, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.



Paige J. Gossett
UNITED STATES MAGISTRATE JUDGE

June 11, 2010
Columbia, South Carolina